THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.772 OF 1998

DATED: 22-02-2007

Between :

Kota Sankara Reddy .. Petitioner

And

1. The District Collector, Prakasam District, Ongole;
   And 2 others. .. Respondents

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WRIT PETITION NO.772 OF 1998

ORDER :

The petitioner claims to be the owner of 83 acres of land situated in Sy.No.243, Ammavaripalem Village, Gudlur Mandal, Prakasam District. It appears that a part of the said land was sought to be required for the purpose of providing house sites to the weaker sections and aggrieved by the same the petitioner earlier filed W.P.No.1432 of 1987 which was disposed of by this Court on 29-9-1988 with a direction to the respondents to consider the offer of the petitioner to part with Ac.4.80 cents of land situated in Sy.No.243 free of cost.

This writ petition is filed alleging that in spite of the order of this Court the respondents have been making attempts to construct the houses in the land of the petitioner by evicting him from his land to an extent of 83 acres. Thus, a Mandamus is sought directing the respondents not to evict the petitioner from the possession and enjoyment of 83 acres of land situated in Sy.No.243 of Ammavaripalem village.

In response to the Rule Nisi ordered, the Revenue Divisional Officer, Kandukur filed a counter-affidavit stating that the Government had acquired only an extent of Ac.4-80 cents, out of the total extent of 83 acres, belonging to the petitioner which was already occupied by the beneficiaries. The said land was acquired with the consent of the land owners. The possession of the remaining land has not been disturbed and as a matter of fact the said land is not required.

In view of what has been stated in the counter-affidavit, it is clear that except Ac.4-80 cents of land situated in Sy.No.243/2 the rest of the land is not required for any public purpose and the petitioner's possession in respect of the said land has not been disturbed.

In the circumstances, recording the statement of the respondents that except Ac.4-80 cents of land, which was already acquired, the possession of the petitioner in respect of the rest of the land situated in Sy.No.243 is not being disturbed in any manner, the Writ Petition is disposed of. No costs.

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G. ROHINI, J.

Dt. 22-2-2007

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